

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF'S
MEMORANDUM IN SUPPORT
OF MOTION TO SEAL**

Plaintiff Farhad Azima hereby respectfully submits this Memorandum of Law in Support of his Motion to Seal portions of Plaintiff's Response in opposition to the Motion to Non-Parties Christopher Swecker and Christopher Swecker Enterprises, LLC, to Quash (ECF No. 338) and Exhibits 2, 3, and 4 to that Response.

In considering a party's motion to seal certain documents, the Court "must comply with certain substantive and procedural requirements." *Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 576 (4th Cir. 2004). The Court must (1) give the public notice and a reasonable chance to challenge the motion to seal the documents; (2) consider less drastic alternatives to sealing, including redaction; and (3) if it decides to seal the documents, make specific findings and state the reasons for its decision to seal over the alternatives. *Id.*

As to the substance of the motion to seal, the Court “first must determine the source of the right of access with respect to each document, because only then can it accurately weigh the competing interests at stake.” *Id.* The Court may seal documents “if the public's right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984). The factors the Court takes into account in this regard include “whether the records are sought for improper purposes, such as promoting public scandals or unfairly gaining a business advantage; whether release would enhance the public's understanding of an important historical event; and whether the public has already had access to the information contained in the records.” *Id.* Based on an evaluation of these and any other relevant factors, the Court must find that the justification for sealing documents overcomes both the First Amendment and common law presumption of access.

The material Plaintiff seeks to seal in the Response and Exhibits 2, 3, and 4 includes excerpts from depositions of Mr. Del Rosso and documents produced in discovery, all of which are covered by the Confidentiality Protective Order entered in this case (ECF No. 114). Out of an abundance of caution and in order to avoid burdening the Court with additional litigation at this time, Plaintiff is filing portions the materials in Exhibits 2, 3, and 4 under seal, but reserves the right to address confidentiality issues with respect to

portions of deposition transcripts and materials produced in discovery pursuant to the Confidentiality Protective Order in later proceedings.

For the foregoing reasons, Plaintiff Farhad Azima respectfully requests that his Motion to Seal portions of his Response in Opposition to the Motion to Quash of Christopher Swecker and Christopher Swecker Enterprises, LLC, and Exhibits 2, 3, and 4 to the Response be granted, or in the alternative that Plaintiff be given reasonable time to attempt to redact the Exhibits as ordered by the Court to be redacted and for further relief as is just and appropriate.

This, the 10th day of April, 2024.

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CERTIFICATE OF WORD COUNT

I hereby certify under LR 7.3(d)(1) that the body of this Memorandum, including any headings and footnotes together, contains fewer than 6,250 words, as reported by the word count feature in Microsoft Word.

This, the 10th day of April, 2024.

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FARHAD AZIMA,

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NICHOLAS DEL ROSSO and
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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 10th day of April, 2024.

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